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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/543,686	04/05/2000	Daryl L. Champagne	200-0090	6796

7590

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BARTON E SHOWALTER ESQ
BAKER BOTTS LLP
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

EXAMINER

KERR, DEBRA E

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 07/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/543,686

Applicant(s)

CHAMPAGNE ET AL.

Examiner

Debra E Kerr

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 2, 5, 6, 13, and 21–23 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Henson (US 6,167,383).

Henson discloses a web-based online store for selling customer-configured computers, including a user interface, a web server for processing orders, and a processor for routing submitted customer orders according to customer classifications. Users can input product configuration parameters on a web page to create a custom order for a computer system, which is routed to an order processor via the web server. The custom order includes user-entered customer data and payment data. Customers are assigned a customer number for future reference when making purchases and easy access to their information (see at least Figures 1 and 3-7).

Please note that while Henson does not explicitly disclose scheduling the product described in the custom order for manufacturing, the end result of Henson's online

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system is the manufacture of a computer system to the customer's specification, and therefore scheduling the computer's manufacture is inherent to Henson's system.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4, 7 –12, 19, 20 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henson in view of Peterson et al. (US 6,324,522).

Henson substantially discloses the invention but fails to teach a user selecting a dealer, generating a unique order number, modifying inventory data in an inventory database to indicate unavailability, or generating a confirmation message. Peterson discloses an electronic item distribution and inventory control system that teaches a plurality of vendors listed by region that can be selected by a customer to place an order. The system creates an order number for each order and generates different confirmation messages regarding the order, depending on what action the user takes, such as editing and canceling orders or quotes. Submitted purchase orders are

transmitted in real time to a vendor's inventory control database for processing and updating of the vendor's inventory (see at least Fig 1, Fig 2, and col.32, lines 32-39). It would have been obvious to combine Henson's online product configuration system with the teaching of Peterson regarding item ordering and inventory management. Doing so would provide a means for a manufacturer to track component availability based on the items being ordered online, and thus increase customer satisfaction by accurately indicating item availability and delivery time.

Claims 13 –18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henson in view of Peterson, and further in view of Matoba et al. (US 5,231,267).

Henson and Peterson substantially disclose the invention, including generating lead time data, generating a lead confirmation message and displaying it to the user and storing lead data in a database, but fail to teach submitting a lead request, sending lead request data to a dealer, or processing lead status updates. Matoba discloses a manufacturing planning system that includes an online lead time estimating function for calculating lead time based on product specifications and work demand. For example, a manufacturer's production schedule and product completion date can be adjusted with input from a material requirements planning module, a work demand calculating module and a production capacity adjusting module, giving users a means to receive accurate updated completion dates for a given product (see at least col. 4, lines 14-20, col. 9, lines 5 – 15, col. 12, lines 11-53 and col. 13, lines 14-35).

It would have been obvious to combine Henson's online product configuration system and Peterson's item ordering and inventory management system with the teaching of Matoba regarding lead updates. Doing so would allow a manufacturer to calculate and store lead status updates in a database and allow users to access the results online in order to keep the customer informed of any delays in delivering a custom system, thereby increasing customer satisfaction.

Claims 25 – 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henson in view of Peterson and Matoba, and further in view of Green et al. (US 6,041,310).

Henson, Peterson and Matoba substantially disclose the invention but fail to teach a site for ordering a vehicle having a specific configuration. Green discloses an online system for collecting customer requirements for a vehicle such as make, model, year, color, engine and transmission, and listing all available vehicles in a dealer's inventory that match the inputted requirements. The system allows a dealer to track inventory accurately and add or remove vehicles based on availability (see at least Figures 7, 8, 9, 12A and col. 8, line 16 to col. 10 line 60). It would have been obvious to combine the systems of Henson, Peterson and Matoba with the teaching of Green regarding a vehicle sales facilitation system. Doing so would allow customers to custom configure and order a vehicle over the Internet in the same way that other complex items such as computers are ordered, edit orders online and track item delivery, increasing sales for auto manufacturers and making car buying easier for customers.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sandoval (US 6,345,259) discloses an integrated business and manufacturing system.

Hall et al. (US 6,401,076) discloses an inventory control system.

Shkedy (US 6,260,024) discloses a buyer-driven system for pooling group offers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra E Kerr whose telephone number is (703) 305-3184. The examiner can normally be reached on 7 a.m. to 4:30 p.m. Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins, can be reached on (703) 305-1440.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks
Washington D.C. 20231***

or faxed to:

(703)305-7687

[Official communications; including
After Final communications labeled
"Box AF"]

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Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

Debra E. Kerr

DEK

June 27, 2002


WYNAN W. COGGINS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600